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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,907	01/31/2001	Seiji Fujitsuka	108483	1105

25944 7590 12/12/2002

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EXAMINER

MATHEWS, ALAN A

ART UNIT	PAPER NUMBER
2851	

DATE MAILED: 12/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/772,907	FUJITSUKA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alan A. Mathews	2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 October 2002.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-28 is/are pending in the application.

4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 12-16, 18, 19, 22-24, 26-28 is/are rejected.

7) Claim(s) 17,20,21 and 25 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,5.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election of Species II in Paper No. 9 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 1-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "103" in figure 20 has been used to designate both an illumination optical system and a substrate stage. The specification recites on page 44 that the substrate stage is element "106" in figure 20. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. Claims 12, 13, 23, and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 12, line 9, "the same" is indefinite. If Applicant substituted "mask and substrate" for the word "same" the indefiniteness would be corrected. In claim 23, line 3, "reversing a direction of illumination" is indefinite. Does this mean that the light goes from the substrate to the light source?

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 14 –16, 18, 19, 22, 24, 26, 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishi (U. S. Patent No. 5,854,671). Nishi '671 discloses in figure 3 a blind mechanism 20, Nishi '671 discloses several embodiments showing movement of the blind blades, including embodiments shown in figures 8, 10, and 11. Figure 8 and column 12, lines 57-67, and column 13, lines 1-12 disclose an embodiment wherein a blind mechanism 20 that correspond to a case where a **size** of the on-the reticle chip pattern to be exposed in the Y direction **orthogonal** to the scan direction **increases** with respect to the image field IF of the

projection optical system. Column 13, lines 2-4 state, "four pieces of blades BL<sub>1</sub>- BL<sub>4</sub> move in the X- and Y-directions in interlock with movement of the reticle **during the scan exposure**". In addition, in embodiment 3, figure 11 discloses movement of blades BL<sub>3</sub> and BL<sub>4</sub> in the Y direction (which is orthogonal to the scan direction). With respect to claim 19, the corners in figure 8 are triangular. Furthermore, figure 10 discloses triangular ends. With respect to claim 24, column 13, line 44, and column 14, line 5, disclose overlapping.

6. Claims 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishi (U. S. Patent No. 5,591,958). Nishi '958 discloses in figures 5 and 6 and column 18, lines 22-30 and column 19, lines 25-37, blades 138<sub>x</sub> and 139<sub>x</sub> which move in the non scanning direction. Column 18, lines 23 and 24 state that light shielding plates 138 and 139 are driven during scanning exposure.

***Allowable Subject Matter***

7. Claims 12 and 13 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action. Claims 17, 20, 21, and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 23 and 28 are indefinite and not understood, so no determination of patentability can be made.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents on Applicant's PTO 1449 are cited for the same reasons Applicant cited them in his INFORMATION DISCLOSURE STATEMENT. The patent to Suzuki (U. S. Patent No. 6,078,281) is cited to show blind blades 438 and 439. The patent to Nishi '807 is cited to show in the Abstract the statement "and a second masking member to change the illumination area during movement of a mask and a substrate relative to illumination light during scanning exposure".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan A. Mathews whose telephone number is (703) 308-1706. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703) 308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

*Alan A. Mathews*

Alan A. Mathews  
Primary Examiner  
Art Unit 2851